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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SVB FINANCIAL GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its corporate capacity,

Defendant.

Case No. 5:23-cv-06543-BLF

JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO COORDINATE DISCOVERY
IN THE FDIC ACTIONS

The Honorable Beth L. Freeman

Pursuant to Civil Local Rule 7-12, SVB Financial Group (“SVBFG”), Federal Deposit Insurance Corporation, in its corporate capacity (“FDIC-C”), and Federal Deposit Insurance Corporation, as receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A. (“FDIC-R”) (together with SVBFG and FDIC-C, the “Parties”), submit this stipulated request to coordinate discovery between the above-captioned action and the related action captioned *SVB Financial Group v. Federal Deposit Insurance Corporation, as Receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A.*, No. 5:24-cv-01321-BLF (together, the “FDIC Actions”).

WHEREAS, on August 22, 2024, the Court ordered the Parties to meet and confer by September 6, 2024 regarding the coordination of discovery between the FDIC Actions;

WHEREAS, on September 4, 2024, lead counsel for the Parties met and conferred via Zoom; and

WHEREAS, to avoid unnecessary duplication of discovery and unduly burdening the Court, the Parties, and other third parties, the Parties have agreed to certain coordination of discovery between the FDIC Actions, without prejudice to any Party’s right to seek further coordination or consolidation of the FDIC Actions at a later date.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, through their undersigned counsel, and subject to the Court’s approval, that discovery in the FDIC Actions shall be coordinated as follows:

1. Documents produced by any Party or third party in either of the FDIC Actions will be treated as produced in both FDIC Actions. This stipulation solely concerns treatment of a document as produced in the FDIC Actions and does not waive any evidentiary objection to the admission of any document in either FDIC Action. Any document produced in one action and used in another will retain in the second action any confidentiality designations applied to it in the first action.

2. If any document inadvertently produced in either of the FDIC Actions is clawed back, such claw back will be effective across both FDIC Actions.

3. To the extent waiver is found in one action on the basis of any document or documents produced in that action, such waiver will not be automatically imputed in the other action.

1 4. Document requests may be served in either of the FDIC Actions on any Party pursuant to
2 Fed. R. Civ. P. 34 without the need to serve a subpoena pursuant to Fed. R. Civ. P. 45.

3 5. The Parties may serve a single third-party subpoena for use in both FDIC Actions, with
4 service of subpoenas provided to all Parties.

5 6. The Parties will work in good faith to coordinate depositions in the FDIC Actions to
6 attempt to avoid unnecessarily deposing any witness more than once, with the understanding that the
7 Parties and any witness will need to negotiate in good faith about time limits for depositions to
8 accommodate multiple parties' questioning. This provision is without prejudice to the right to seek
9 leave from the Court to take additional depositions.

10 7. The Parties' responses to interrogatories and requests for admission served in either of
11 the FDIC Actions may be used in both FDIC Actions. For the avoidance of doubt, Paragraph 7 does not
12 alter the corporate separateness between FDIC-C, FDIC-R1, and FDIC-R2, and FDIC-C, FDIC-R1, and
13 FDIC-R2 maintain that a statement or admission by one of them does not bind the others. SVBFG,
14 however, reserves the right to seek relief from the Court to impute statements or admissions by FDIC-C,
15 FDIC-R1, or FDIC-R2 to each of the other FDIC entities to the extent consistent with equity and law.

16 8. This stipulation is without prejudice to any Party's right to ask the Court to order
17 additional coordination or consolidation of the FDIC Actions.

18 9. Nothing in this stipulation, nor any coordination carried out pursuant to it, will be taken
19 to diminish in any way the corporate separateness between FDIC-C, FDIC-R1, and FDIC-R2. SVBFG,
20 however, reserves the right to seek relief from the Court to impute statements or admissions by FDIC-C,
21 FDIC-R1, or FDIC-R2 to each of the other FDIC entities to the extent consistent with equity and law.

22 10. Nothing in this stipulation will be taken to limit the number of discovery requests any
23 party is permitted to serve, or depositions any party is permitted to take, under any applicable rules.

24 IT IS SO STIPULATED.
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1 Dated: December 11, 2024

2 /s/ Robert A. Sacks

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Corporation, as Receiver for Silicon Valley
Bank and Silicon Valley Bridge Bank, N.A.*

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 11, 2024


HON. BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE